

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SPENCER LIAM DAILEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-00496-JD
)	
MICHAEL CARVAJAL, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 29, 2021, United States Magistrate Judge Shon T. Erwin granted Plaintiff's Motion to Proceed *in Forma Pauperis* [Doc. No. 10], but ordered Plaintiff to pay an initial partial filing fee of \$258.00 by July 16, 2021, followed by monthly payments thereafter until the total filing fee was paid. [Doc. No. 11]. Plaintiff was cautioned that failure to pay the initial partial filing fee by July 16, 2021, would result in dismissal of this matter. Plaintiff did not timely pay the initial filing fee, and on August 3, 2021, Judge Erwin issued a Report and Recommendation [Doc. No. 12] recommending that this action be dismissed without prejudice for Plaintiff's failure to pay the initial filing fee.

Judge Erwin advised Plaintiff of his right to object to the Report and Recommendation by August 20, 2021, and that Plaintiff's failure to make a timely objection waives the right to appellate review of the factual findings and legal issues in the Report and Recommendation. Plaintiff has not filed any objection, nor has he paid the required initial partial filing fee.

The Court therefore **ADOPTS** the Report and Recommendation [Doc. No. 12] in its entirety for the reasons stated therein. Plaintiff's Complaint [Doc. No. 1] is hereby **DISMISSED** without prejudice.

IT IS SO ORDERED this 30th day of August 2021.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE